

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABRAHAM LEIFER, on Behalf of Himself
and All Others Similarly Situated, : Civil Action No. 1:24-cv-03994-AS
Plaintiff, : [rel. 1:24-CV-03973-AS]
vs. :
LIVE NATION ENTERTAINMENT, INC. : CLASS ACTION
and TICKETMASTER L.L.C., :
Defendants. :
TAMARA STEVENS, Individually and On : ORDER GRANTING PLAINTIFFS'
Behalf of All Others Similarly Situated, : MOTION TO CONSOLIDATE RELATED
Plaintiff, : ACTIONS AND FOR APPOINTMENT OF
vs. : INTERIM CLASS COUNSEL
LIVE NATION ENTERTAINMENT, INC. :
and TICKETMASTER L.L.C., :
Defendants. :
x

Having reviewed plaintiffs Abraham Leifer and Tamara Steven's (collectively, "Plaintiffs") Motion to Consolidate Related Actions and for Appointment of Interim Class Counsel, the Court hereby orders as follows:

I. CONSOLIDATION

1. Pursuant to Rule 42 of the Federal Rules of Civil Procedure, the following actions are hereby related and consolidated for all purposes, including for pre-trial proceedings and trial:

Case Name	Case Number	Date Filed
<i>Leifer v. Live Nation Ent., Inc.</i>	1:24:cv-03994-AS	May 23, 2024
<i>Stevens v. Live Nation Ent., Inc.</i>	1:24:cv-04106-AS	May 29, 2024

2. Every pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re LIVE NATION ENTERTAINMENT, INC. AND TICKETMASTER L.L.C. ANTITRUST LITIGATION	:	X Lead Case No. 1:24:CV-03994-AS
	:	(Consolidated with Case No. 1:24:cv-04106-AS)
This Document Relates To:	:	<u>CLASS ACTION</u>
ALL ACTIONS.	:	
	X	

3. The file in *Leifer* shall constitute the master file for every action in the consolidated action. The Clerk shall administratively close the *Stevens* action. When a document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Relates To." When a pleading applies to some, but not all, of the actions, the document shall list, immediately after the phrase "This Document Relates To," the docket number for each

individual action to which the document applies, along with the last name of the first-listed plaintiff in said action;

4. All antitrust class actions on behalf of end-user purchasers in the United States who purchased secondary tickets on Secondary Ticket Exchanges from a Secondary Seller who, in turn, purchased a primary ticket or a secondary ticket for an event at a major concert venue in the United States from Ticketmaster or one of its affiliated entities owned directly or indirectly, by Live Nation at any point since the 2010 merger through the present day, subsequently filed in, or transferred to, this district shall be consolidated into this action;

5. This Order shall apply to every such action, absent an order of the Court. A party objecting to such consolidation, or to any other provisions of this Order, must file an application for relief from this Order within ten days after the action is consolidated into this action; and

6. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, with good cause shown.

I. APPOINTMENT OF INTERIM CLASS COUNSEL

7. Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, the Court appoints the following as Interim Class Counsel for the proposed Class of Plaintiffs:

Robbins Geller Rudman & Dowd LLP
655 West Broadway, Suite 1900
San Diego, CA 92101

~~The Court further appoints Tracy David and Herman Jones as Executive Committee members~~

9. Interim Class Counsel shall have the following responsibilities and duties specified below, to be carried out either personally or through designated counsel:

- (a) Initiate, brief, and argue motions on behalf of the respective Class on all matters arising during pre-trial proceedings, and prepare, serve and file opposing briefs in proceedings initiated by other parties;
- (b) Represent the respective Class at pre-trial, scheduling and status conferences;
- (c) Coordinate the initiation and conduct of discovery on behalf of the respective Class;
- (d) Conduct settlement negotiations with defendants' counsel, execute necessary settlement documentation, and present any formalized settlement to the Court on behalf of the respective Class;
- (e) Call and conduct meetings of respective Plaintiffs' counsel when appropriate;
- (f) Delegate specific tasks to other counsel or committees of counsel that Interim Class Counsel may establish as appropriate, in a manner to ensure that pre-trial preparation for the Class is conducted efficiently, effectively, and without duplication;
- (g) Employ and consult with experts;
- (h) Coordinate pre-trial activities and plan for trial;
- (i) Conduct trial and post-trial proceedings;
- (j) Prepare and distribute periodic status reports to the parties;
- (k) Allocate fees among the various firms doing work in the case, on behalf of the Class, if any are awarded by the Court;
- (l) Perform such other duties as may be incidental to proper coordination of the Class's pre-trial activities or are authorized by further order of this Court;
- (m) Coordinate and communicate with defendants' counsel and the Court with respect to the matters addressed in this paragraph;

- (n) Distribute all notices, orders and decisions of the Court to all Plaintiffs' counsel to the extent not communicated directly by the Court;
- (o) Maintain and distribute a master service list of all parties and their respective counsel;
- (p) Receive orders, notices, correspondence and telephone calls from the Court on behalf of the Class, and shall be responsible for preparing and distributing the same to all Class counsel upon direction from the Court; and
- (q) Perform other such duties and undertaking other responsibilities as are necessary or desirable in connection with the prosecution of the litigation.

10. Interim Class Counsel shall have sole authority to communicate with defendants' counsel, any third-parties, and the Court on behalf of all Plaintiffs in the putative Class. Defendants' counsel may rely on all agreements made with Interim Class Counsel and such agreements shall be binding on all counsel for the Class.

The Court declines to appoint an executive committee at this time. "Committees of counsel often compete against considerations of efficiency and economy, ... and can lead to substantially increased costs and unnecessary duplication of efforts." *In re Warner Music Grp. Data Breach*, 2021 WL 725728, at *3 (S.D.N.Y. Feb. 22, 2021) (cleaned up). "At this stage of the litigation, it is not clear that a leadership structure beyond ... lead counsel is necessary to serve Plaintiffs' needs." *Id.*; see also *In re Bystolic Antitrust Litig.*, 2020 WL 6700830, at *2 (S.D.N.Y. Nov. 12, 2020) (denying request to appoint an executive committee and collecting cases).

The Clerk of Court is directed to terminate Dkt. 44 in 1:24-cv-3994. The Clerk of Court is further directed administratively to close 1:24-cv-04106. The consolidated complaint in this matter should be filed no later than September 16, 2024.

IT IS SO ORDERED.

DATED: September 3, 2024



THE HONORABLE ARUN SUBRAMANIAN
UNITED STATES DISTRICT JUDGE